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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,758	12/14/2006	Michel Chevanne	Q93080	5651
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SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER LINDSEY, MATTHEW S	
			ART UNIT 2451	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/567,758	<b>Applicant(s)</b> CHEVANNE ET AL.	
	<b>Examiner</b> MATTHEW S. LINDSEY	<b>Art Unit</b> 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/10/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. Claims 1-30 are pending in this application. Claim 30 is new; and claims 5-13 and 18-29 are amended, as filed on 10 February 2006.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-8, 11-20 and 23-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Law (US 2004/0039803).**

4. With respect to Claim 1, Law disclosed: “Method of service provision for a communications network comprising resources (NEQ, NEL) suitable for fulfilling an assigned network role, defined by policy rules (Abstract, lines 1-3), characterized in that it consists,

in the case of a service provision request ([0053], lines 1-6),

in selecting a resource that satisfies a network role corresponding to the said service requested, from among certain resources (NEQ, NEL) of the network that are

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not yet associated with a processing role associated with the said service requested ([0053], lines 1-6, specifically a non-congested PDP),

then in associating with this selected resource a processing role associated with the said requested service ([0053], lines 6-12), and

in determining from among a set of policy rules each policy rule defining the network role associated with the said processing role so as to transmit it to the said resource selected with a view to its instigation ([0053], lines 12-19)".

5. With respect to Claim 2, Law disclosed: "Method according to claim 1, characterized in that the said resources are selected from among registered resources (NEQ, NEL) ([0052], lines 1-10)".

6. With respect to Claim 3, Law disclosed: "Method according to claim 2, characterized in that each registered resource (NEQ, NEL) is designated by an identifier stored in correspondence with traffic processing capacities ([0052] and [0057], lines 10-14), and in that the said resource selection consists in verifying whether a registered resource has capacities making it possible to fulfill the network role corresponding to the said service chosen ([0057], lines 10-14)".

7. With respect to Claim 4, Law disclosed: "Method according to claim 3, characterized in that the said resource identifiers are stored in correspondence with

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network role and processing role identifiers which are possibly associated therewith, in a registrations memory (M3) ([0052])”.

8. With respect to Claim 5, Law disclosed: “Method according to claim 1, characterized in that the said service provision request is transmitted accompanied by a definition of the associated network role and by a definition of the associated processing role ([0053], lines 1-6)”.

9. With respect to Claim 6, Law disclosed: “Method according to one of claim 1, characterized in that the network roles are stored in a roles memory (M2) ([0048], lines 1-4), and in that on receipt of a service provision request the corresponding network role is determined in the said roles memory (M2), before proceeding with the said selection ([0053], lines 6-12)”.

10. With respect to Claim 7, Law disclosed: “Method according to claim 1, characterized in that the said policy rules are stored in correspondence with the associated network role, in a rules memory (M1) ([0034], lines 1-16)”.

11. With respect to Claim 8, Law disclosed: “Method according to claim 1, characterized in that each network role is defined by at least one resource capacity ([0034], lines 8-16)”.

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12. With respect to Claim 11, Law disclosed: “Method according to claim 8, characterized in that a network role is assigned directly to a resource when the said resource has capacities including each capacity designated by the said network role ([0053], lines 6-19)”.

13. With respect to Claim 12, Law disclosed: “Method according to claim 1, characterized in that at least two different network roles are assigned to certain resources (Fig. 3, and [0022], where there are multiple subscribers and a network node will therefore be assigned multiple network roles depending on how many subscribers connect)”.

14. With respect to Claim 13, Law disclosed: “Method according to claim 1, characterized in that before proceeding with the said resource selection, a preliminary phase is performed consisting in determining in the said set of policy rules whether it comprises policy rules defining the network role corresponding to the service requested ([0053], lines 6-12)”.

15. With respect to Claim 14, Law disclosed: “Resources management system (RMS), for a communications network comprising a multiplicity of resources (NEQ, NEL) suitable for fulfilling an assigned network role, defined by policy rules (Abstract, lines 1-3), the said system comprising

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policy management means (PM) suitable for formulating the said policy rules and a policy server (PS) suitable for storing the said policy rules ([0048], lines 1-4) and for transmitting them selectively to the said resources (NEQ, NEL) so that they instigate them ([0053], lines 6-12), characterized in that it furthermore comprises

monitoring means (NRC) coupled to the said policy server (PS) and to the said resources (NEQ, NEL), and devised, in case of receipt of a service provision request, to select a resource that satisfies a network role corresponding to the said service requested, from among certain resources of the network that are not yet associated with a processing role associated with the said service requested ([0055] and [0057], lines 5-14), and

to associate with this selected resource a processing role associated with the said service requested ([0057], lines 10-14), and in that the said policy server (PS) is devised, on receipt of the designation of the said selected resource and of the associated network and processing roles, to determine from among the said policy rules stored each policy rule defining the network role associated with the said processing role so as to transmit it to the said resource ([0053], lines 6-19)”

16. With respect to Claim 15, Law disclosed: “System according to claim 14, characterized in that the said monitoring means (NRC) are devised so as to determine the capacities of certain at least of the resources (NEQ, NEL) of the network in such a way as to store them in a registrations memory (M3) in correspondence with a resource

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identifier, said resources stored then being said to be registration sources ([0055] and [0057], lines 5-14)".

17. With respect to Claim 16, Law disclosed: "System according to claim 14, characterized in that the said monitoring means (NRC) are devised to select the said resources from among resources (NEQ, NEL) registered in a registrations memory (M3) in the form of a resource identifier and of associated capacities ([0057], lines 5-14)".

18. With respect to Claim 17, Law disclosed: "System according to claim 16, characterized in that the said monitoring means (NRC) are devised to determine in the said registrations memory (M3) each resource registered having capacities making it possible to fulfill the network role corresponding to the said chosen service ([0055] and [0057], lines 5-14)".

19. With respect to Claim 18, Law disclosed: "System according to claim 15, characterized in that the said monitoring means (NRC) are devised to store the said resource identifiers in the said registrations memory (M3) in correspondence with network role and processing role identifiers which are possibly associated therewith ([0052], lines 1-6)".

20. With respect to Claim 19, Law disclosed: "System according to claim 14, characterized in that said monitoring means (NRC) comprise graphics interface means



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(GI) suitable for allowing the communication by a user of a definition of network role associated with a requested service and/or of a definition of processing role associated with the said requested service ([0048], lines 1-10)".

21. With respect to Claim 20, Law disclosed: "System according claim 14, characterized in that the said monitoring means (NRC), on the one hand, comprise graphics interface means (GI) suitable for allowing the communication by a user of the definitions of processing roles associated with a requested service ([0048], lines 1-10), and of definitions of network roles, and on the other hand, are devised to store the said network roles definitions communicated in a roles memory (M2) ([0048], lines 1-4) and, in case of receipt of a service provision request, to determine in the said roles memory (M2) a network role corresponding to the said service, before performing the said selection ([0053], lines 6-12)".

22. With respect to Claim 23, Law disclosed: "System according to claim 19, characterized in that the said monitoring means (NRC) are devised to assign a complementary network role to a resource (NEQ, NEL) when the said resource has capacities including each capacity designated by the said network role ([0053], lines 6-19)".

23. With respect to Claim 24, Law disclosed: "System according to claim 14, characterized in that the said monitoring means (NRC) are suitable for assigning at

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least two different network roles to certain resources (NEQ, NEL) (Fig. 3, and [0022], where there are multiple subscribers and a network node will therefore be assigned multiple network roles depending on how many subscribers connect)".

24. With respect to Claim 25, Law disclosed: "System according claim 14, characterized in that the said monitoring means (NRC) are devised, in case of receipt of a service provision request and before proceeding with the said resource selection, to address to the said policy server (PS) a request for verification of existence of policy rule(s) corresponding to the said service requested, and, in case of receipt of a message signaling such existence, to proceed with the said selection ([0053], lines 6-19)".

25. With respect to Claim 26, Law disclosed: "System according to claim 14, characterized in that it comprises a rules memory (M1) accessible to the said policy server (PS) and storing the said policy rules in correspondence with the associated network role ([0048], lines 1-4)".

26. With respect to Claim 27, Law disclosed: "System according to claim 14, characterized in that it comprises mediation means (MM) interfaced between the said resources (NEQ, NEL), on the one hand, and the said policy server (PS) and the said monitoring means (NRC), on the other hand, and devised to allow a dialog, on the one hand, between the said resources (NEQ, NEL) and the said policy server (PS) or the

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said monitoring means (NRC), and on the other hand, between the said policy server (PS) and the said monitoring means (NRC) (Fig. 3 and [0047], where the connections between the network elements allow dialog between them)".

27. With respect to Claim 28, Law disclosed: "Management server (MS) of a network management system (NMS), characterized in that it comprises a resources management system (RMS) according to claim 14 ([0048], lines 1-12 and [0053])".

28. With respect to Claim 29, Law disclosed: "Use of the method, resources management system (RMS) and management server (MS) according to claim 1 for resources chosen from a group consisting of network equipment (NEQ), the elements (NEL) of network equipment (NEQ) and network connections ([0053])".

29. With respect to Claim 30, Law disclosed: "Use of the resources management system (RMS) according to claim 14 for resources chosen from a group consisting of network equipment (NEQ), the elements (NEL) of network equipment (NEQ) and network connections ([0053])".

### ***Claim Rejections - 35 USC § 103***

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**31. Claims 9-10 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Law in view of Krishnamurthy (US 2001/0025310).**

32. With respect to Claim 9, Law did not explicitly state: "Method according to claim 1, characterized in that a network role is modified when no resource fulfills the said network role and/or when a resource fulfilling the said network role presents capacities compatible with the said modification".

However, Krishnamurthy disclosed: "Method according to claim 1, characterized in that a network role is modified when no resource fulfills the said network role and/or when a resource fulfilling the said network role presents capacities compatible with the said modification ([0025], pg 3, lines 7-15, where the router has the ability to modify the requested network role)".

One of ordinary skill in the art at the time of the invention would have been motivated to combine the references because Law and Krishnamurthy both disclose methods of implementing quality of service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Law with the teachings of Krishnamurthy to include support for modification of requested network roles. Motivation to combine these references comes from being able to modify the request in order to allow a resource without the original requested level of service to still be able to satisfy a lower level, or modified level of service to satisfy the request. Therefore by combining the

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references, if the resource cannot provide the original level of requested service, the requested service can be modified.

33. With respect to Claim 10, Law did not explicitly state: "Method according to claim 1, characterized in that a network role is deleted when no resource fulfills the said network role".

However, Krishnamurthy disclosed: "Method according to claim 1, characterized in that a network role is deleted when no resource fulfills the said network role ([0025], pg 3, lines 7-15, where the router has the ability to reject the requested network role)".

One of ordinary skill in the art at the time of the invention would have been motivated to combine the references because Law and Krishnamurthy both disclose methods of implementing quality of service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Law with the teachings of Krishnamurthy to include support for deletion of network roles. Motivation to combine these references comes from being able to reject or delete the request in order to allow a congested resource to continue to provide service to its current obligations. Therefore by combining the references, a congested node can reject a requested network role, thereby deleting it, and continue to process previously received requests which are causing the load.

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34. With respect to Claim 21, Law did not explicitly state “System according to claim 19, characterized in that the monitoring means (NRC) are devised, on receipt of a request originating from the said graphics interface means (GI) and querying a chosen modification of a network role definition, to proceed with the modification of the definition of the said network role when no resource fulfills the said network role or when a resource (NEQ, NEL) fulfills the said network role and has capacities compatible with the said modification”.

However, Krishnamurthy disclosed: “System according to claim 19, characterized in that the monitoring means (NRC) are devised, on receipt of a request originating from the said graphics interface means (GI) and querying a chosen modification of a network role definition, to proceed with the modification of the definition of the said network role when no resource fulfills the said network role or when a resource (NEQ, NEL) fulfills the said network role and has capacities compatible with the said modification ([0025], pg 3, lines 7-15, where the router has the ability to modify the requested network role)”.

One of ordinary skill in the art at the time of the invention would have been motivated to combine the references because Law and Krishnamurthy both disclose methods of implementing quality of service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Law with the teachings of Krishnamurthy to include support for modification of requested network roles. Motivation to combine these references comes from being able to modify the request in order to allow a resource without the original requested level of service to still be able to satisfy a lower

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level, or modified level of service to satisfy the request. Therefore by combining the references, if the resource cannot provide the original level of requested service, the requested service can be modified.

35. With respect to Claim 22, Law did not explicitly state: "System according to claim 19, characterized in that the said monitoring means (NRC) are devised, on receipt of a request originating from the said graphics interface means (GI) and querying a deletion of a network role definition, to proceed with the said deletion when no resource (NEQ, NEL) fulfills the said network role".

However, Krishnamurthy disclosed: "System according to claim 19, characterized in that the said monitoring means (NRC) are devised, on receipt of a request originating from the said graphics interface means (GI) and querying a deletion of a network role definition, to proceed with the said deletion when no resource (NEQ, NEL) fulfills the said network role ([0025], pg 3, lines 7-15, where the router has the ability to reject the requested network role)".

One of ordinary skill in the art at the time of the invention would have been motivated to combine the references because Law and Krishnamurthy both disclose methods of implementing quality of service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Law with the teachings of Krishnamurthy to include support for deletion of network roles. Motivation to combine these references comes from being able to reject or delete the request in order to allow a congested

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resource to continue to provide service to its current obligations. Therefore by combining the references, a congested node can reject a requested network role, thereby deleting it, and continue to process previously received requests which are causing the load.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. LINDSEY whose telephone number is (571)270-3811. The examiner can normally be reached on Mon-Thurs 7-5, Fridays 7-12.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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MSL  
2/23/2010

/Hassan Phillips/

Primary Examiner, Art Unit 2451